

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 10/2002

Appeal
Application No.
Writ petition

District :
of 200

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : April 9, 2007.

Heard Shri Thakare for the appellants, and
Shri Bhambhurkar for the respondent.

The appellants are the original defendants.
A suit was filed by the plaintiff seeking a declaration
that he was the owner of the open space and the
structure standing thereon, and the defendants are
the licensees. The defendants filed their written
statement and denied the claim of the plaintiff. The
defendants pleaded that the suit land was a
Government land and the defendants had become
the owner thereof by adverse possession by making
encroachment on it. The defendants denied that
they were the licensees of the plaintiff.

The trial and the appellate Courts
considered the evidence tendered by the parties on
record and held that the plaintiff was the owner of
the suit land. The Courts further held that the
defendants were the licensees of the plaintiff. The

Courts then held that the defendants had failed to prove that the suit land was a Government land. The Courts consequently granted a decree for possession in favour of the plaintiff.

For recording the aforesaid findings of facts, the Courts considered the assessment list of House No. 77 which was the subject matter of the suit and also a tax receipt which showed that the plaintiff had paid the tax in respect of the suit property. The Courts further held that the defendants were serving as agricultural labourers with the plaintiff and the plaintiff had granted a licence and the defendants were the licensees in the suit premises. The Courts observed that the defendants had not produced any document on record to show that the suit land belongs to the Government.

The findings recorded by both the Courts are the findings of fact which do not give rise to any substantial question of law. The second appeal is, therefore, dismissed with no order as to costs.

JUDGE